

United States District Court

Middle District of North Carolina
Post Office Box 2708
Greensboro, North Carolina 27402

08cv4680

HH

John S. Brubaker, Clerk

August 15, 2008

TELEPHONE:
CIVIL (336) 332-6030
CRIM. (336) 332-6020
ADMIN. (336) 332-6000

08cv 4680

Michael W. Dobbins, Clerk of Court
United States District Court
Northern District of Illinois
Everett McKinley Dirksen United States Courthouse
219 South Dearborn Street
Chicago, IL 60604

FILED

AUG 21 2008 TC
8-21-2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

RE: 1:07CV959, BIRES v. WALTOM, LLC d/b/a WALTOM RACING, LLC

Dear Mr Dobbins:

An order has been entered in this Court transferring this case to your district. Enclosed are the following:

1. Certified copy of Order transferring action.
2. Certified copy of docket entries.

Pleadings 1 through 15 (filed from December 20, 2007, to date) can be obtained electronically from our web site through Pacer.

If you have any questions, please do not hesitate to contact us.

Please acknowledge receipt of our file on the enclosed copy of this letter.

Sincerely,

JOHN S. BRUBAKER, CLERK

By: /s/ Lisa N. Lee
Deputy Clerk

Enclosures

08CV 4680

18RA, CLOSED, MEDIATION

**U.S. District Court
North Carolina Middle District (Durham)
CIVIL DOCKET FOR CASE #: 1:07-cv-00959-JAB-WWD
Internal Use Only**

BIRES v. WALTOM, LLC d/b/a WALTOM RACING, LLC Date Filed: 12/20/2007
Assigned to: CHIEF JUDGE JAMES A. BEATY, JR Date Terminated: 08/15/2008
Referred to: MAG/JUDGE WALLACE W. DIXON Jury Demand: Plaintiff
Case in other court: Rowan County Superior Court, 07-cvs- Nature of Suit: 190 Contract: Other
3615 Jurisdiction: Diversity
Cause: Diversity

Plaintiff

KELLY BIRES

represented by **SHANNON L. VANDIVER**
THE BRAY LAW FIRM, PLLC
4701 HEDGEMORE DR., STE. 816
CHARLOTTE, NC 28209
704-523-7777
Fax: 704-523-7780
Email: svandiver@braylaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

FILED
AUG 21 2008 TC
8-21-2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

WILLIAM PARKS BRAY
THE BRAY LAW FIRM, PLLC
4701 HEDGEMORE DR., STE. 816
CHARLOTTE, NC 28209
704-523-7777
Fax: 704-523-7780
Email: wbray@braylaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**WALTOM, LLC d/b/a WALTOM
RACING, LLC**

represented by **CHRISTOPHER CARLISLE LAM**
K&L GATES LLP
214 N. TRYON ST.
CHARLOTTE, NC 28202
704-331-7449
Fax: 704-353-3149
Email: chris.lam@klgates.com
LEAD ATTORNEY

A True Copy

Teste:

John S. Brubaker, Clerk

By:


Deputy Clerk

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/20/2007	<u>1</u>	PETITION FOR REMOVAL from Rowan County Superior Court, case number 07-CVS-3615., filed by WALTOM, LLC d/b/a WALTOM RACING, LLC. \$350.00 Filing Fee, Receipt #NCM002251 (Attachments: # <u>1</u> Exhibit A-Affidavit of John Mulvenna, # <u>2</u> Exhibit B-State Court File) (LAM, CHRISTOPHER) (Entered: 12/20/2007)
12/20/2007	<u>2</u>	CORPORATE DISCLOSURE STATEMENT filed pursuant to FRCP 7.1(a) by Defendant WALTOM, LLC d/b/a WALTOM RACING, LLC by WALTOM, LLC d/b/a WALTOM RACING, LLC.(LAM, CHRISTOPHER) (Entered: 12/20/2007)
12/20/2007	<u>3</u>	COMPLAINT against WALTOM, LLC d/b/a WALTOM RACING, LLC, filed by KELLY BIRES. (State court complaint filed in Rowan County Superior Court, listed as Exhibit B in the Petition for Removal)(McClain, Abby) (Entered: 12/20/2007)
12/20/2007	<u>4</u>	Summons Issued as to WALTOM, LLC d/b/a WALTOM RACING, LLC. (State court document filed in Rowan County Superior Court, summons issued 11/27/2007, listed as Exhibit B in the Petition for removal) (McClain, Abby) (Entered: 12/20/2007)
12/20/2007	<u>5</u>	Notice of Right to Consent. Counsel shall serve the attached form on all parties. (McClain, Abby) (Entered: 12/20/2007)
12/20/2007		CASE REFERRED to Mediation pursuant to Local Rule 83.9b of the Rules of Practice and Procedure of this Court. Please go to our website form directory for a list of mediators which must be served on all parties. (McClain, Abby) (Entered: 12/20/2007)
12/20/2007		(Court only) ***Set Magistrate Judge Flag for Judge Wallace W. Dixon (McClain, Abby) (Entered: 12/20/2007)
12/20/2007	<u>6</u>	ECF 30 Day Notice as to Plaintiff's Attorney WILLIAM BRAY. (McClain, Abby) (Entered: 12/20/2007)
12/20/2007	<u>7</u>	NOTICE OF COMPLIANCE by Defendant WALTOM, LLC d/b/a WALTOM RACING, LLC (LAM, CHRISTOPHER) (Entered: 12/20/2007)
12/20/2007	<u>8</u>	MOTION for Extension of Time to File Answer <i>or Response to Complaint</i> by WALTOM, LLC d/b/a WALTOM RACING, LLC. Responses due by 1/12/2008 (Attachments: # <u>1</u> Text of Proposed Order Granting Extension of Time)(LAM, CHRISTOPHER) (Entered: 12/20/2007)
12/26/2007		ORDER granting <u>8</u> Motion for Extension of Time to Answer for WALTOM, LLC d/b/a WALTOM RACING, LLC. Answer due by 1/28/2008. Signed by John Brubaker, Clerk of Court, on 12/26/07. (BRUBAKER, JOHN) (Entered: 12/26/2007)
01/02/2008		(Court only) NOTICE of Manual Mailing [Text Order], in paper form from

		the Clerk's Office to Non-CM/ECF participant as to WILLIAM BRAY. (Welch, Kelly) (Entered: 01/02/2008)
01/25/2008	<u>9</u>	MOTION to Change Venue by WALTOM, LLC d/b/a WALTOM RACING, LLC. Responses due by 2/17/2008 (Attachments: # <u>1</u> Exhibit A-Declaration of John Mulvenna, # <u>2</u> Exhibit 1 to Declaration of Mulvenna, # <u>3</u> Exhibit B-Court Time Interval) (LAM, CHRISTOPHER) (Entered: 01/25/2008)
01/25/2008	<u>10</u>	MEMORANDUM in Support of <u>9</u> MOTION to Change Venue; filed by Defendant WALTOM, LLC d/b/a WALTOM RACING, LLC. (LAM, CHRISTOPHER) (Entered: 01/25/2008)
02/19/2008	<u>11</u>	RESPONSE in Opposition re <u>9</u> MOTION to Change Venue, <u>10</u> Memorandum filed by KELLY BIRES. Replies due by 3/7/2008. (Attachments: # <u>1</u> Exhibit 1 - Complaint, # <u>2</u> Exhibit 2 - Affidavit of Kelly Bires, # <u>3</u> Exhibit 3 - NC Dept Commerce Webpage, # <u>4</u> Exhibit 4 - WalTom Press Release)(VANDIVER, SHANNON) (Entered: 02/19/2008)
02/19/2008		(Court only) ***Attorney SHANNON L. VANDIVER for KELLY BIRES added. (see pldg. 11) (Wilson, JoAnne) (Entered: 02/20/2008)
03/07/2008	<u>12</u>	REPLY MEMORANDUM filed by Defendant WALTOM, LLC d/b/a WALTOM RACING, LLC re <u>11</u> Response in Opposition to Motion, <u>9</u> MOTION to Change Venue filed by WALTOM, LLC d/b/a WALTOM RACING, LLC. (Attachments: # <u>1</u> Exhibit 1-Supplemental Declaration of John Mulvenna, # <u>2</u> Exhibit 1 to Supp. Declaration-Bires Agreement, # <u>3</u> Exhibit 2 to Supp. Declaration-Adams Agreement) (LAM, CHRISTOPHER) (Entered: 03/07/2008)
04/10/2008		***Motions Submitted: <u>9</u> MOTION to Change Venue to CHIEF JUDGE JAMES A. BEATY, JR- (Powell, Gloria) (Entered: 04/10/2008)
07/02/2008	<u>13</u>	NOTICE of Change of Address by CHRISTOPHER CARLISLE LAM (LAM, CHRISTOPHER) (Entered: 07/02/2008)
08/01/2008	<u>14</u>	MEMORANDUM OPINION signed by CHIEF JUDGE JAMES A. BEATY, JR on 8/1/2008 that the Court finds that the forum-selection clause at issue in the Agreement is not unjust or unreasonable, and is therefore valid. Further, having weighed the case- specific factors to determine if a transfer pursuant to 28 U.S.C. § 1404(a) is warranted, the Court finds that this matter should be transferred to the United States District Court for the Northern District of Illinois in accordance with the forum-selection clause. Therefore, Defendant's Motion to Transfer Venue (Doc. # <u>9</u>) will be GRANTED and this action will be transferred to the United States District Court for the Northern District of Illinois. An Order consistent with this Memorandum Opinion will be filed contemporaneously herewith. (Lee, Lisa) (Entered: 08/01/2008)
08/01/2008	<u>15</u>	ORDER signed by CHIEF JUDGE JAMES A. BEATY, JR on 8/1/2008 that for the reasons stated in the Memorandum Opinion filed contemporaneously herewith, IT IS ORDERED THAT Defendant WalTom LLC d/b/a WalTom Racing, LLC's Motion to Transfer Venue (Doc. # <u>9</u>) is GRANTED. Accordingly, IT IS FURTHER ORDERED THAT this matter be

		TRANSFERRED to the United States District Court for the Northern District of Illinois. (Lee, Lisa) (Entered: 08/01/2008)
08/15/2008	<u>16</u>	TRANSFER Letter from Clerk's Office to Clerk, US District Court, NDIL. (Lee, Lisa) (Entered: 08/15/2008)
08/15/2008		(Court only) NOTICE of Manual Mailing Pldg. No. <u>16</u> Transfer Letter with with Certified copy of Docket Sheet and Pldg. No. <u>15</u> Transfer Order, in paper form from the Clerk's Office to Michael W. Dobbins, Clerk of Court, United States District Court, Northern District of Illinois, Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Chicago, IL 60604, (Lee, Lisa) (Entered: 08/15/2008)
08/15/2008		(Court only) ***Civil Case Terminated. (Lee, Lisa) (Entered: 08/15/2008)

MMK

08CV4680

08cv 4680

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

KELLY BIRES,

Plaintiff,

v.

WALTOM, LLC D/B/A WALTOM
RACING, LLC,

Defendant.

1:07CV00959

FILED

AUG 21 2008 TC

8-21-2008

MICHAEL W. BOBBINS
CLERK, U.S. DISTRICT COURT

ORDER

Beaty, Chief Judge.

For the reasons stated in the Memorandum Opinion filed contemporaneously herewith,
IT IS ORDERED THAT Defendant WalTom LLC d/b/a WalTom Racing, LLC's Motion to
Transfer Venue [Doc. #9] is GRANTED. Accordingly, IT IS FURTHER ORDERED THAT
this matter be TRANSFERRED to the United States District Court for the Northern District
of Illinois.

This the 1st day of August, 2008.

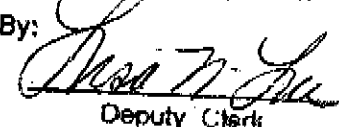

United States District Judge

A True Copy

Teste:

John S. Brubaker, Clerk

By:


Deputy Clerk